

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA EASTERN, DIVISION**

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 7/12/06 **AT** **9:00 A.M. - 9:17 A.M.**

DATE COMPLETED: 7/12/06 **FTR Recorded**

EMILIA STRONG SYKES, et al

Plaintiff

VS..

BENJAMIN F. PAYTON, et al

Defendant

*
*
*
*
*
*
*
*
*

CASE NO. 3:06CV582-MHT-CSC

PLAINTIFF

APPEARANCES:

DEFENDANT

Atty. Percy Squire

Atty. Ernestine S. Sapp

- *
*
*

COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

LAW CLERK: CORRIE LONG

(X) OTHER PROCEEDINGS:

**ORAL ARGUMENTS RE: MOTION TO EXPEDITE DISCOVERY via
TELEPHONE CONFERENCE**

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED			
Description	Telephone conf - Oral Arguments re:motion of Expedited Discovery - 06cv582-MHT-CSC		
Date	7 /12/2006	Location	Courtroom 4B
Time	Speaker	Note	
9 :00:16 AM	Court	Court convenes; Parties on line as noted; Discussions as to plntf's motion for expedite discovery;	
9 :01:08 AM	Atty. Squire	Response to why discovery should be allowed; Discussions regarding the 2 claims : denial of procedural due process and breach of contract; Have moved for a preliminary injunction ; the hearing on the merits to be consolidated;	
9 :01:44 AM	Court	Discussions that Judge Thompson set hearing only motion for preliminary injunctive relief;	
9 :01:58 AM	Atty. Squire	Response; The hrg . on the motion for preliminary injunctive relief will probably be dispositive in the case;	
9 :02:24 AM	Court	Questions regarding the amount of discovery requested; Tuskegee Institution is a private institution; Where is the basis for Federal jurisdiction?	
9 :03:01 AM	Atty. Squire	Response - there is a diversity claim;	
9 :03:09 AM	Court	Separate claim; claim is a form of contract claim, which can be resolved by way of damages;	
9 :03:28 AM	Atty. Squire	Response;	
9 :04:37 AM	Court	Discussion as to the state law claim;	
9 :04:52 AM	Atty. Squire	Response;	
9 :05:39 AM	Court	Discussions as to the factual dispute as to what happened;	
9 :06:46 AM	Atty. Squire	Response;	
9 :07:40 AM	Court	Response;	
9 :07:47 AM	Atty. Squire	Response as to the merits;	
9 :08:14 AM	Atty. Sapp	Informs the court and plntf cnsl of plaintiffs' suspension from AKA sorority for hazing violations; Addresses the issues; The expedited motion should be considered as a motion to dismiss;	
9 :12:56 AM	Atty. Squire	Response re: Tuskgeess University being a private University;	
9 :13:36 AM	Court	Response regarding prior ruling as to Tuskegee University being a private institution;	
9 :13:53 AM	Atty. Squire	Response;	
9 :14:46 AM	Atty. Sapp	Response;	
9 :15:08 AM	Atty. Squire	Response;	
9 :15:20 AM	Court	Discussion as to the fed jurisd. issue;	
9 :15:51 AM	Atty. Squire	Response;	
9 :16:01 AM	Court	Response re: damages;	
9 :16:15 AM	Atty. Squire	Response;	
9 :17:14 AM	Atty. Sapp	Response	
9 :17:29 AM	Court	Will take matters under advisement; Court is recessed.	

07/13/06 13:10:29

1/1